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MODIFICATION OF EASEMENT

The parties hereto are HARLEY H. BOVEE and ROBERT C. BOVEE, each as his separate property, hereinafter called the grantors, and the CITY OF ARLINGTON, a municipal corporation of the State of Washington, hereinafter called the grantee.

WHEREAS, the parties entered into a certain agreement entitled "Easement" dated July 2, 1974, which was recorded on August 1, 1974 in Volume 797 of Official Records, page 237, under Auditor's File No. 2351673, records of Snohomish County, State of Washington; and

WHEREAS, it now appears that the description of the property over which the easement was granted is not in the location it should be according to grantees survey in order to miss buildings and/or improvements on grantor's property, and that the parties should and desire by this instrument to change the said description and to make such modifications of said instrument as may be necessary; NOW, THEREFORE,

IN CONSIDERATION of the premises and intending to be legally bound hereby.

IT IS COVENANTED AND AGREED between the parties as follows:

- (1) That certain Easement hereinabove described be and is modified and changed in the following respects:
- (a) In place of the legal description of the easement the following is substituted:

Permanent Easement

The South 8 feet of the SE¼ of the NE¼ of Section 22, Township 31 N., Range 5 E.W.M.

AND the North 2 feet of the NE¼ of the SE¼ of Section 22, Township 31 N., Range 5 E.W.M.

EXCEPT those portions lying West of the East line of the Burlington Northern Inc. right-of-way.

ALSO EXCEPT 67th Avenue N.E. along the East lines of said subdivisions.

JOSEPH P. MATHEWS, JR.
ATTORNEY AT LAW
315 OLYMPIC AVENUE
ARLINGTON, WASH. 98223
GENERAL 3-2546

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Temporary Easement for Initial Construction Only

The South 13 feet of the SE¼ of the NE¼ of Section 22, Town-ship 31 N., Range 5 East, W.M.

AND the North 7 feet of the NE¼ of the SE¼ of Section 22,

Township 31 N., Range 5 E.W.M.

EXCEPT those portions lying West of the East line of the Burlington Northern Inc. right-of-way.

ALSO EXCEPT 67th Avenue N.E. along the East lines of said subdivisions.

All situated in Snohomish County, State of Washington.

- (2) All other terms and conditions in that certain Easement first above mentioned herein shall remain in full force and effect insofar as the newly described easement is concerned.
- (3) The "Temporary Easement for Initial Construction Only", above described shall exist only during the period of construction of the water main and its final testing, and shall upon its acceptance become of no further effect.
- (4) Grantor conveys and quit claims to the owner of the land over which it runs any and all right, title, interest or estate in any part of the easement described in said Instrument No. 2351673 which is not included within the <u>Permanent Easement</u> and <u>Temporary Easement for Initial Construction Only</u>, above described.

IN WITNESS WHEREOF, the parties hereto have signed this instrument this 304 day of December, 1975.

1si Harley H. Bovee
Harley H. Bovee

151 Robert C. Bovee
Robert C. Bovee

GRANTORS

CITY OF ARLINGTON, a municipal corporation of the State of Washington

Mayor

Seal

ATTEST:

151 Kathy Lodbetter
City Clerk

Page Two

JOBEPH P. MATHEWS, JR.
ATTORNEY AT LAW
315 OLYMPIC AVENUE
ARLINGTON, WASH. 98223

BENERAL S-2546

1	STATE OF WASHINGTON) ss.
2	County of Snohomish)
3	On this 16th day of January , 1979 before me personally appeared HOWARD A. CHRISTIANSON and KATHY LEDBETTER, to me known
4	to be the Mayor and City Clerk, respectively, of the CITY OF
5	ARLINGTON, the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act
6	and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute
7	said instrument and that the seal affixed is the corporate seal of said corporation.
8	GIVEN under my hand and official seal the day and year last
9	above written.
10	151 Joseph P. Mathews, Jr.
11	NOTARY PUBLIC in and for the State of Washington, residing at Arlington
12	STATE OF WASHINGTON)
13	County of King) ss.
14	On this day personally appeared before me ROBERT C. BOVEE
15	to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed
16	the same as his free and voluntary act and deed, for the uses and
17	GIVEN under my hand and official seal this to day of
18	- Samury , 1776
19	(Seal) 15/ Joseph P. Mathews, Jr. NOTARY PUBLIC in and for the State of
20	Washington, residing at
21	STATE OF MARYI AND
22	STATE OF MARYLAND) ss. County of Montgome 1
23	
24	On this day personally appeared before me HARLEY H. BOVEE to me known to be the individual described in and who executed the
25	within and foregoing instrument, and acknowledged that he signed the same as his free and volun+ary act and deed, for the uses and
26	purposes therein mentioned. GIVEN under my hand and official seal this 30th day of
27	December, 1975.
28	ISI Frances M Roberts
29	(Seal) (Seal) (Seal) (Seal) (Seal) (Seal) (Seal) (Seal) (Seal)
30	My Commission Expires 7/1/78
31	my commission days and a second
32	
	Page Three attorney at law
	315 DLYMPIC AVENUE ARLINGTON, WASH. 98223
	DEMERAL S-2546